

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
)

Bowen Enterprise, Inc.)
t/a Bowen Discount Liquors)

License Number: 73781
Case Number: 09-CMP-00762
Order No.: 2010-346

Holder of a Retailer's Class A License)
at premises)
4510 Bowen Rd., S.E.)
Washington, D.C. 20019)
)

BEFORE: Charles Brodsky, Chairperson
Nick Alberti, Member
Donald Brooks, Member

ALSO PRESENT: Bowen Enterprise, Inc., t/a Bowen Discount Liquors, Respondent

Paul L. Pascal, Esq., on behalf of the Respondent

Amy Caspari, Assistant Attorney General,
on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On February 23, 2010, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated February 17, 2010, on Bowen Enterprise, Inc., t/a Bowen Discount Liquors (Respondent), at premises 4510 Bowen Rd., S.E., Washington, D.C., charging the Respondent with the following violation:

Charge I: The Respondent permitted the sale of an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, in violation of D.C. Official Code § 25-342(c) (2009), for which the Board may take action pursuant to D.C. Official Code § 25-823(1) (2009).

The matter proceeded to a Show Cause Hearing where the Government and the Respondent presented evidence through the testimony of witnesses and the submission of documentary evidence. The Board, having considered the evidence, the testimony of witnesses, the arguments of counsel, and the documents comprising the Board's official file, makes the following:

FINDINGS OF FACT

1. The Board issued a Notice of Status Hearing and Show Cause Hearing, dated February 17, 2010. (*See* Alcoholic Beverage Regulation Administration (ABRA) Show Cause File Number 09-CMP-00762). The Respondent holds a Retailer's Class A License and is located at 4510 Bowen Rd., S.E., Washington, D.C. (*See* ABRA Licensing File No. 73781).
2. The Show Cause Hearing in this matter was held on April 21, 2010. The Notice to Show Cause, dated February 17, 2010, charges the Respondent with the violation enumerated above. (*See* ABRA Show Cause File Number 09-CMP-00762).
3. Both the Government and the Respondent agreed to be bound by the Board's holding in Linda's Market, Inc., t/a Economy Market, at premises 1804 D Street, N.E., No. 09-CMP-00720. *Transcript (Tr.)*, 4/21/10 at 2. Both parties stipulated that the facts in the present case and Linda's Market were identical, except for the fact that the product is a different color and has a different name. *Tr.*, 4/21/10 at 3. Both parties also agreed to stipulate to the facts in Case Report No. 09-CMP-00762 prepared by ABRA Investigator Vincent Parker. *Tr.*, 4/21/10 at 3.
4. The Board takes administrative notice that the Respondent is located in Ward 7.

CONCLUSIONS OF LAW

5. The Board has the authority to suspend or revoke the license of a licensee who violates any provision(s) of Title 25 of the D.C. Official Code pursuant to D.C. Official Code § 25-823(1)(2001). Additionally, pursuant to the specific statutes under which the Respondent was charged, the Board is authorized to levy fines. D.C. Code § 25-830 and 23 D.C.M.R. 800, *et seq.*
6. Bowen Enterprise, Inc., t/a Bowen Discount Liquors, has agreed to be bound by the holding in Linda's Market, Inc., t/a Economy Market, No. 09-CMP-00720. In resolving Linda's Market, Inc., t/a Economy Market, the Board held in Board Order No. 2010-345, dated May 26, 2010, that malt beverages were beer under the ABC Code and that the Respondent violated D.C. Official Code § 25-342(c) by selling an individual container of malt beverage under 70 ounces. Therefore, based on the holding in Board Order No. 2010-345, the Board finds that the Respondent has violated D.C. Official Code § 25-342(c).

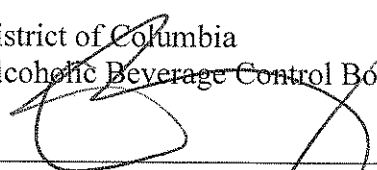
ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 26th day of May, 2010, finds that the Respondent, Bowen Enterprise, Inc., t/a Bowen Discount Liquors at premises 4510 Bowen Rd., S.E., Washington, D.C., holder of a Retailer's Class B License, violated D.C. Code § 25-342(c).

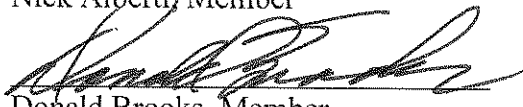
The Board hereby **ORDERS** that:

1. The Respondent shall pay a fine in the amount of \$500.00, by no later than thirty (30) days from the date of this Order.

District of Columbia
Alcoholic Beverage Control Board


Charles Brodsky, Chairperson


Nick Alberti, Member


Donald Brooks, Member

Pursuant to Section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001) and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).